



No. 23-50632

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WESTERN DISTRICT OF TEXAS

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United States Court of Appeals  
for the Fifth Circuit

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Attest: Lyle W. Cayce  
Clerk, U.S. Court of Appeals, Fifth Circuit

United States Court of Appeals  
Fifth Circuit

FILED

September 23, 2024

Lyle W. Cayce  
Clerk

No. 23-50632

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

GREG ABBOTT, *in his capacity as Governor of the State of Texas*; STATE  
OF TEXAS,

*Defendants—Appellants.*

Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 1:23-CV-853

Before RICHMAN, *Chief Judge*, and KING, JONES, SMITH, STEWART,  
ELROD, SOUTHWICK, HAYNES, GRAVES, HIGGINSON, WILLETT,  
HO, DUNCAN, ENGELHARDT, OLDHAM, WILSON, DOUGLAS, and  
RAMIREZ, *Circuit Judges*.

JUDGMENT ON REHEARING EN BANC

IT IS ORDERED and ADJUDGED that the district court's order  
granting a preliminary injunction is REVERSED, and the case is  
REMANDED with instructions to vacate the preliminary injunction and for

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further proceedings consistent with the majority opinion of the court. The stay pending appeal is DISSOLVED.